Listing of Claims:

Claim 1 (currently amended) A method for improving yield in a crop exposed to water deficit by providing a transgenic seed for said crop wherein said transgenic seed has a recombinant DNA construct expressing a gene which encodes

~~(a) a Hap3 protein having at least 80% identity to an amino acid sequence of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:6 or SEQ ID NO:7 determined by an amino acid window of said sequence; or~~

~~(b)~~

a Hap3 protein having an amino acid sequence identical to ~~a~~ the consensus amino acid sequence of SEQ ID NO:8~~, SEQ ID NO:9 or SEQ ID NO:10~~ wherein said gene is constitutively expressed to produce an effective amount of said protein for water-deficit tolerance functionally equivalent to the water-deficit-tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3 in corn or SEQ ID NO:6 or SEQ ID NO:7 in soybean.

Claim 2 (original) A method of claim 1 wherein said crop is corn, soybean, canola, wheat, rice, cotton or grass.

Claims 3-4 (canceled)

Claims 5 (currently amended) A method for improving water-deficit survivability of a crop plant comprising introducing into the genome of said plant a recombinant DNA construct expressing a gene which encodes

~~(a) a Hap3 protein having at least 80% identity to an amino acid sequence of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:6 or SEQ ID NO:7 determined by an amino acid window of said sequence; or~~

~~(b)~~

a Hap3 protein having an amino acid sequence identical to a the consensus amino acid sequence of SEQ ID NO:8 ~~, SEQ ID NO:9 or SEQ ID NO:10~~ wherein said gene is constitutively expressed to produce an effective amount of said protein for water-deficit tolerance functionally equivalent to the water-deficit-tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3 in corn or SEQ ID NO:6 or SEQ ID NO:7 in soybean.

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Claim 6 (currently amended) A water-deficit-tolerant, transgenic, hybrid maize plant comprising a recombinant DNA construct expressing a gene which encodes

~~(a) a Hap3 protein having at least 80% identity to an amino acid sequence of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:6 or SEQ ID NO:7 determined by an amino acid window of said sequence; or~~

~~(b)~~

a Hap3 protein having an amino acid sequence identical to ~~a~~ the consensus amino acid sequence of SEQ ID NO:8 ~~, SEQ ID NO:9 or SEQ ID NO:10~~. wherein said gene is constitutively expressed to produce an effective amount of said protein for water-deficit tolerance functionally equivalent to the water-deficit-tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3.

Claim 7 (currently amended) A water-deficit-tolerant, transgenic soybean plant comprising a recombinant DNA construct expressing a gene which encodes

~~(a) a protein having at least 80% identity to an amino acid sequence of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:6 or SEQ ID NO:7 determined by an amino acid window of said sequence; or~~

~~(b)~~

a Hap3 protein having an amino acid sequence identical to ~~a~~ the consensus amino acid sequence of SEQ ID NO:8 ~~, SEQ ID NO:9 or SEQ ID NO:10~~ wherein said gene is constitutively expressed to produce an effective amount of said protein for water-deficit tolerance functionally equivalent to the water-deficit-tolerance imparted by the protein of SEQ ID NO:6 or SEQ ID NO:7 in soybean.

Claim 8 (withdrawn-currently amended) A transgenic maize seed for producing the water-deficit-tolerant, transgenic, hybrid maize of claim 6 having in its genome a recombinant DNA construct which expresses a gene which encodes a Hap3 protein having a consensus amino acid sequence of SEQ ID NO: ~~10~~ 8 and a gene imparting herbicide resistance.

Claim 9 (withdrawn) A seed of claim 8 wherein said gene imparting herbicide resistance provides resistance to an herbicide selected from the group consisting of a glyphosate herbicide, a phosphinothricin herbicide, an oxynil herbicide, an imidazolinone herbicide, a dinitroaniline herbicide, a pyridine herbicide, a sulfonylurea herbicide, a bialaphos herbicide, a sulfonamide herbicide and a gluphosinate herbicide.

Claim 10 (withdrawn) A seed of claim 8 wherein said genome further comprises a recombinant DNA construct which expresses a gene encoding an insecticidal protein.

Claim 11 (withdrawn) A seed of claim 10 wherein said insecticidal protein is a delta endotoxin from *Bacillus thurengienisus*.

Claim 12 (withdrawn) A seed of claim 8 wherein said genome further comprises a recombinant DNA construct which is transcribed to RNA which forms gene silencing dsRNA targeted to a crop pest.

Claim 13 (withdrawn) A plant produced from a seed of claim 8.

Claim 14 (new) A water-deficit-tolerant, transgenic, hybrid maize plant of claim 6 wherein said recombinant DNA comprises a promoter operably linked to native corn DNA encoding the protein with the amino acid sequence of SEQ ID NO:2.

Claim 15 (new) A recombinant DNA construct comprising a promoter operably linked to native corn DNA encoding the protein with the amino acid sequence of SEQ ID NO:2.